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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS ALLEN KIRKER,

Defendant and Appellant.

2d Crim. No. B246928
(Super. Ct. No. F479307
(San Luis Obispo County)

Thomas Allen Kirker appeals from the judgment entered after he pled no contest to assault (Pen. Code, § 245, subd. (a)(4))¹ and admitted a prior strike conviction (§§ 667, subds. (d)-(e); 1170.12, subds. (b)-(c)). Five weeks after the plea, appellant indicated that he wanted to withdraw his plea, but after new counsel was appointed, withdrew the plea withdrawal motion. The trial court suspended imposition of sentence and granted probation with 90 days jail. Appellant was ordered to pay a \$240 restitution fine (§ 1202.4, subd. (b); a \$240 probation revocation fine (§ 1202.44), and a \$1,000 fine.

Appellant filed a notice of appeal and a request for certificate of probable cause (§ 1237.5, subd. (a)) alleging that he did not commit the assault.

We appointed counsel to represent appellant in this appeal. After counsel's examination of the record, counsel filed a brief raising no issues. On May 9, 2013, we

¹ All statutory references are to the Penal Code.

advised appellant that he had 30 days within which to personally submit any contentions or issues that he wished to raise on appeal. No response has been received.

We have reviewed the entire record and are satisfied that appellant's attorney has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 443; *People v. Kelly* (2006) 40 Cal.4th 106, 125-126.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Michael Duffy, Judge
Superior Court County of San Luis Obispo

California Appellate Project, under appointment by the Court of Appeal,
Jonathan B. Steiner, Executive Director and Richard R. Lennon, Staff Attorney, for
Appellant./

No appearance for Respondent.